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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,191	03/06/2001	Tatsuya Igarashi	450100-03053	3399

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EXAMINER

WANG, ALBERT C

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,191

Applicant(s)

IGARASHI ET AL.

Examiner

Albert Wang

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Original claims 1-19 are pending.

Claim Objections

2. Claim 17 is objected to because of the following informalities: "other device" is interpreted as "another device". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the version set" in line 10. Claim 11 recites the limitation "the network" in line 2 and "the version set" in line 9. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukunaga et al., U.S. Patent No. 6,715,015 ("Fukunaga"), in view of Northcutt et al., U.S. Patent No. 6,678,741 ("Northcutt").

As per claim 1, Fukunaga teaches a transmission method for transmitting data obtained in an output device connected to a predetermined network to the network from the output device and receiving the data by an input device connected to said network (Fig. 1A, data transmitted between devices 101 and 102 via 1394 bus), comprising:

a step for the output device or a controller for controlling transmission on the network to send a first instruction for inquiring said input device (Fig. 20, inquiring capabilities; Fig. 31, command frame); and

a step for receiving a transmission confirming the inquiry in said input device (Fig. 32, response frame).

However, Funukaga does not expressly teach does not expressly teach command and response for changing the version of a function set in the input device. Northcutt teaches a transmission method (Fig. 1, servers 100 transmit data via interconnect fabric 101 to HID 102), comprising:

a step for receiving a transmission confirming the inquiry in said input device (Col. 5, lines 28-30, HID sends information to the server; Col. 5, lines 11-18, information comprises firmware version of the device)

a version change instruction step of if the version set in the output device or the controller is lower than the version of the confirmed input device (Col. 8, lines 55-68, "if the server has an older version of the firmware than the HID ..."), sending a second instruction for changing the version set in said input device to a lower version to said input device (Fig. 4, step S401; Col. 5, lines 53-58, "server ... instructs the HID which version of the firmware the HID is to implement"); and

Art Unit: 2115

a step of after the set version is changed to a lower version by the second instruction, starting transmission of the data from the output device (Col. 5, lines 1-4, once “synchronized” data may be exchanged; Col. 3, lines 45-54, server outputs data to HID).

While Northcutt is silent with regards to the step of the output device or a controller for controlling transmission on the network to send a first instruction for inquiring the version of a function set in said input device, such a step is believed to be inherent in Northcutt. Northcutt teaches the step of the receiving version confirmation from the input device is an alternative embodiment to receiving version confirmation from the output device, wherein the input device may send a first instruction for inquiring the version of a function set of the output device (Col. 5, lines 19-30). Just as the main embodiment may have an inquiring step, it is expected that the alternative embodiment may have an analogous inquiring step, in which the output device inquires the input device’s function set version.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply Northcutt’s steps for changing the version of an input device to Fukunaga’s command and response between devices. A motivation for doing so would have been to ensure that the devices are operating with compatible versions (Northcutt, Col. 8, lines 55-68).

As per claim 2, Fukunaga teaches inquiring whether or not implementing a command in the input device is possible (Figs. 31 & 32; Col. 18, lines 21-61, whether or not a command is implemented), which would be applicable to Northcutt’s version change instruction above.

As per claims 3 and 4, Fukunaga teaches information about a function capable of being executed is attached to return transmission from the input device (Figs. 31 & 32; Col. 18, lines 21-61), which would correspond to either the first or second instructions.

As per claim 10, Fukunaga teaches the output device acts as the controller at the same time (Fig. 2, controller 104 within output device 100).

As per claim 5, Fukunaga teaches a transmission system for transmitting data obtained in an output device using a set connection based on control of a controller connected to a predetermined network from the output device to said network and receiving the data by an input device connected to said network (Fig. 1A, transmits data between devices 101 and 102 via 1394 bus; Fig. 2, controller 800), wherein said controller comprises an instruction issue means for issuing a first instruction for inquiring said input device (Fig. 20, inquiring capabilities).

However, Fukunaga does not expressly teach does not expressly teach changing the version set in the input device to a lower version. Northcutt teaches a transmission system (Fig. 1, servers 100 transmit data via interconnect fabric 101 to HID 102), wherein

a controller comprises an instruction issue means for issuing a second instruction for changing the version set in said input device to a lower version (Fig. 4, step S401; Col. 5, lines 53-58, "server ... instructs the HID which version of the firmware the HID is to implement"; Col. 8, lines 55-68, "if the server has an older version of the firmware than the HID ..."),

While Northcutt is silent with regards to the step of the output device or a controller for controlling transmission on the network to send a first instruction for inquiring the version of a function set in said input device, such a step is believed to be inherent in Northcutt. Northcutt teaches the step of the receiving version confirmation from the input device is an alternative embodiment to receiving version confirmation from the output device, wherein the input device may send a first instruction for inquiring the version of a function set of the output device (Col.

Art.Unit: 2115

5, lines 19-30). Just as the main embodiment may have an inquiring step, it is expected that the alternative embodiment may have an analogous inquiring step, in which the output device issues a first instruction for inquiring the input device's function set version.

Northcutt further teaches

said input device having a version control means for when said first instruction is received, sending back the set version (Col. 5, lines 28-30, HID sends information to the server; Col. 5, lines 11-18, information comprises firmware version of the device)

At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply Northcutt's steps for changing the version of an input device to Fukunaga's command and response between devices. A motivation for doing so would have been to ensure that the devices are operating with compatible versions (Northcutt, Col. 8, lines 55-68).

Fukunaga further teaches inquiring whether or not implementing a command in the input device is possible (Figs. 31 & 32; Col. 18, lines 21-61, whether or not a command is implemented), which would be applicable to Northcutt's version change instruction above.

As per claims 6-9, since Fukunaga/Northcutt teaches the method and system of claims 1-5, the combination teaches the claimed transmission system.

As per claims 11-13, since Fukunaga/Northcutt teaches the method of claims 1-4 and system of claims 5-9, the combination teaches the claimed transmission control apparatus.

As per claims 14, 18 and 19, since Fukunaga/Northcutt teaches the method of claims 1-4 and system of claims 5-9, the combination teaches the claimed input device.

Art Unit: 2115

As per claim 15, Northcutt discloses the version control means includes a version change means for changing the version of the set input device (Fig. 3, step S4).

As per claim 16, Northcutt discloses the version change means has a memory means for memorizing a program for changing the version (Fig. 2, DRAM 2206).

As per claim 17, Northcutt discloses the version change means has an obtaining means for obtaining a program for changing the version from other device (Col. 5, lines 53-58).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 703-305-5385. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 24, 2004


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